

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**MIDSHIP PIPELINE
COMPANY, LLC,**

Plaintiff,

VS.

**TRACT NO. CN-0004.000,
1.504 ACRES OF LAND, MORE
OR LESS, PERMANENT
EASEMENT IN CANADIAN
COUNTY, OKLAHOMA, *et al*,**

Defendants.

www.wwnorton.com/college/psychology/bradbury

Case Number: 5:18-cv-858-G

Judge: Hon. Charles Goodwin

**FEDERAL RULE 71.1(d) AMENDED NOTICE OF
COMMENCEMENT OF CONDEMNATION ACTION**

To: Chris J. McComas
P.O. Box 605
878 Highway 152
Minco, OK 73059

PLEASE TAKE NOTICE that on October 22, 2021, a Third Amended Verified Complaint for Condemnation (the “Verified Complaint”) was filed in the above-captioned matter by Plaintiff, Midship Pipeline Company, LLC (“Midship”), in which you are named as Defendant.

ACTION TO CONDEMN PROPERTY

The above-captioned matter is an action by Midship, pursuant to Section 717f(h) of the Natural Gas Act, 15 U.S.C. § 717f(h), and the Certificate of Public Convenience

and Necessity issued by the Federal Energy Regulatory Commission (“FERC”) to Midship, for an order of condemnation for permanent pipeline, temporary work space, t-tap, main line valve and other surface easements, permanent and temporary road access and other rights-of-way and easements (collectively, the “Easements”), which are described in said Verified Complaint and identified, described and depicted on **Exhibit 1** attached hereto and incorporated herein, and for such other legal and equitable relief as may be appropriate, specifically including injunctive relief allowing Midship to enter the lands covered by the Easements to clear the Easements and commence and complete construction of the MIDSHIP Project and operate and maintain same as described below and restoration of such lands, while the proper amount of compensation for the taking is resolved.

DESCRIPTION OF PROPERTY AND INTEREST TO BE TAKEN

Pursuant to the Certificate of Public Convenience and Necessity issued to Midship by the FERC, Midship needs to acquire and is entitled to acquire the Easements which are situated on and, or traverse on, over and under the lands which are more particularly described on **Exhibit 1** hereto, which is included in the **Exhibit 1** attached to the Verified Complaint. The Easements are more particularly described as follows: (1) non-exclusive Permanent Pipeline Easements with a width of fifty feet (50’) for a single pipeline, being 25 feet (25’) on each side of the described center lines, to survey, construct, lay, maintain, inspect, erect alter, operate, protect, repair, replace with same or lesser size pipe, remove and, or abandon in place a pipeline; (2) non-exclusive Temporary Workspace Easements, which will be used by Midship for the purposes of temporary working space during the

initial construction and installation of the pipeline and during restoration of the Easements, but which terminate upon completion of the initial construction and restoration, or upon the expiration of twenty-four months from the commencement of construction in the county in which the Temporary Workspace Easement at issue is located, whichever occurs first; (3) exclusive permanent Surface Site Easements, including but not limited to T-Tap Surface Sites, Main Line Valve Site Easements, to be used solely for the pipeline for the purpose of constructing, maintaining, operating, removing, changing the size of, relocating, replacing, protecting and repairing both surface and subsurface pipelines, pumps, launching-receiving equipment, flares, communication equipment, generators, dehydrators, separators, valves, risers, electrical equipment (including but not limited to MCC Buildings/buildings/substations/generators) electrical lines, wires, cables, meters, meter houses, meter runs, buildings and any and all other devices, equipment and structures incident or necessary to the regulation, control, measurement, treatment, transportation and distribution of natural gas, together with the right to enclose said easements by fences and the further right, at the expiration of the use of said easements for one or more of such purposes, to retain possession and control of said property for a reasonable period of time thereafter within which to remove said pipelines and all other properties of whatever character or description placed or constructed by Midship upon said easements; and (4) non-exclusive Permanent Road Access Easements and, during the initial construction of the pipeline only, Temporary Road Access Easements, to be used by Midship solely for the purpose of ingress and egress to and from public roads and other

easements to which Midship has the right of access to and from the Permanent Pipeline Easements, the Temporary Workspace Easements and the Surface Site Easements, and the Temporary Access Easements shall expire upon completion of the initial construction and restoration or the expiration of twenty-four months from the commencement of construction in the county in which the Temporary Road Access Easement as issue is located, whichever occurs first, with all of said Easements being more particularly, identified, depicted and described on **Exhibit 1** hereto, to which reference is hereby made.

AUTHORITY FOR THE TAKING

Pursuant to the Natural Gas Act, 15 U.S.C. §§ 717 *et seq.*, FERC has issued to Midship a Certificate of Public Convenience and Necessity (“Certificate”) authorizing Midship to construct and operate an interstate natural gas pipeline, known as the MIDSHIP Project, which will consist of approximately 199.6 miles of new 36-inch-diameter natural gas pipeline in Kingfisher, Canadian, Grady, Garvin, Stephens, Carter, Johnston, and Bryan Counties, Oklahoma, 20.4 miles of new 30-inch-diameter pipeline lateral in Kingfisher County, Oklahoma, 13.6 miles of new 16-inch-diameter pipeline lateral in Stephens, Carter, and Garvin Counties, Oklahoma, three (3) compressor stations, a booster station, and accompanying facilities to provide firm transportation capacity from the South Central Oklahoma Oil Province (“SCOOP”) and the Sooner Trend Anadarko Basin Canadian and Kingfisher (“STACK”) plays in the Anadarko Basin in Oklahoma to existing natural gas pipelines near Bennington, Oklahoma for transport to various growing Gulf Coast and Southeast markets (the Midcontinent Supply Header Interstate Pipeline Project, hereinafter, the “MIDSHIP Project” or “Project”). *See*

164 FERC ¶ 61,103. Midship has the right of eminent domain under Section 717f(h) of the Natural Gas Act, 15 U.S.C. § 717f(h), because it cannot, despite good faith efforts, acquire by contract, or is unable to agree with the owners of the properties as to the compensation to be paid for the necessary Easements for the MIDSHIP Project.

USE FOR WHICH THE PROPERTY IS TO BE TAKEN

The property at issue will be used for the construction, operation and maintenance of a natural gas pipelines and related appurtenances, known as the MIDSHIP Project. The route spans (i) approximately 199.6 miles of new 36-inch-diameter natural gas pipeline in Kingfisher, Canadian, Grady, Garvin, Stephens, Carter, Johnston, and Bryan Counties, Oklahoma; (ii) 20.4 miles of new 30-inch-diameter pipeline lateral in Kingfisher County, Oklahoma; (iii) 13.6 miles of new 16-inch-diameter pipeline lateral in Stephens, Carter, and Garvin Counties, Oklahoma and (iv) three (3) compressor stations, a booster station, and accompanying facilities. On August 13, 2018 FERC concluded that that the MIDSHIP Project is necessary and convenient for the public use and issued a Certificate of Public Convenience and Necessity to Midship for the construction and operation of the MIDSHIP Project. *See* Certificate at ¶99. There will only be one pipeline located within each Permanent Pipeline Easement, and same will not exceed thirty-six (36”) inches in outside diameter, not including coatings and wrappings.

APPEARANCE OR ANSWER

YOU ARE FURTHER NOTIFIED that if you have any objection or defense to the condemnation, you may serve on the undersigned counsel for Midship, within

twenty-one (21) days after service of this Notice on you, an Answer, identifying the portion of the property in which you claim an interest: stating the nature and extent of the interest claimed, and stating all your objections and defenses to condemnation of the property. Your failure to serve an Answer will constitute your consent to: (1) the taking of the subject property rights; (2) the Court's authority to proceed to hear the action; and (3) the Court's authority to fix the compensation you might have as a result of the condemnation.

YOU ARE FURTHER NOTIFIED that if you have no objection or defense to condemnation of the property and do not file an Answer, you may serve on Midship's attorney a notice of appearance, designating any portion of the property in which you claim an interest, and thereafter, you shall receive notice of all proceedings affecting the property.

YOU ARE FURTHER NOTIFIED that at the trial or hearing on the issue of just compensation, whether or not you have answered or served a notice of appearance, you may present evidence regarding the amount of compensation to be paid for the property in which you have an interest and you may share in the distribution of the compensation award.

The name, telephone number, email address and mailing address of the attorney for Midship is set forth below, along with an address within the Western District of Oklahoma where the attorney may be served.

Dated: October 22, 2021

Respectfully submitted,

/s/ Thomas A. Zabel

Thomas A. Zabel (Attorney in charge)

Texas Bar No. 22235500

tzabel@zflawfirm.com

Vadim Bourenin

Texas Bar No. 24076284

1135 Heights Boulevard,

Houston, TX 77008

713-802-9117 (telephone)

713-802-9114 (facsimile)

and

WILLIAMS, BOX, FORSHEE & BULLARD,
PC

David M. Box, OBA #21943

Mason J. Schwartz, OBA #32864

522 Colcord Drive

Oklahoma City, OK 73102-2202

(405) 232-0080

(405) 236-5814 Fax

box@wbfbllaw.com

dmbox@wbfbllaw.com

and

HALL, ESTILL, HARDWICK, GABLE, GOLDEN
& NELSON, P.C.

Mark Banner, OBA #13243

320 S. Boston, Suite 200

Tulsa, OK 74103-3706

Telephone: (918) 594-0432

Facsimile: (918) 594-0505

Email: mbanner@hallestill.com

**ATTORNEYS FOR PLAINTIFF,
MIDSHIP PIPELINE COMPANY, LLC**

Personal Service Address in WDOK:
Williams, Box, Forshee & Bullard, PC
522 Colcord Drive
Oklahoma City, OK 73102

EXHIBIT 1

Tract No(s). GR-0132.010

1. Surface Owner(s):

Joe McComas and Arlene McComas, Co-Trustees of the Joe W.
McComas Revocable Trust dated December 11, 2000,
510 NE Cemetery Rd.,
Minco, OK 73059

Chris J. McComas
P.O. Box 605
878 Highway 152
Minco, OK 73059

2. Other Persons-in-Interest:

Central Land Consulting LLC
c/o The Corporation Company
1833 S Morgan Rd.,
Oklahoma City, OK 73128

3. Legal Description:

See attached plat.

4. Just Compensation:

\$5,566

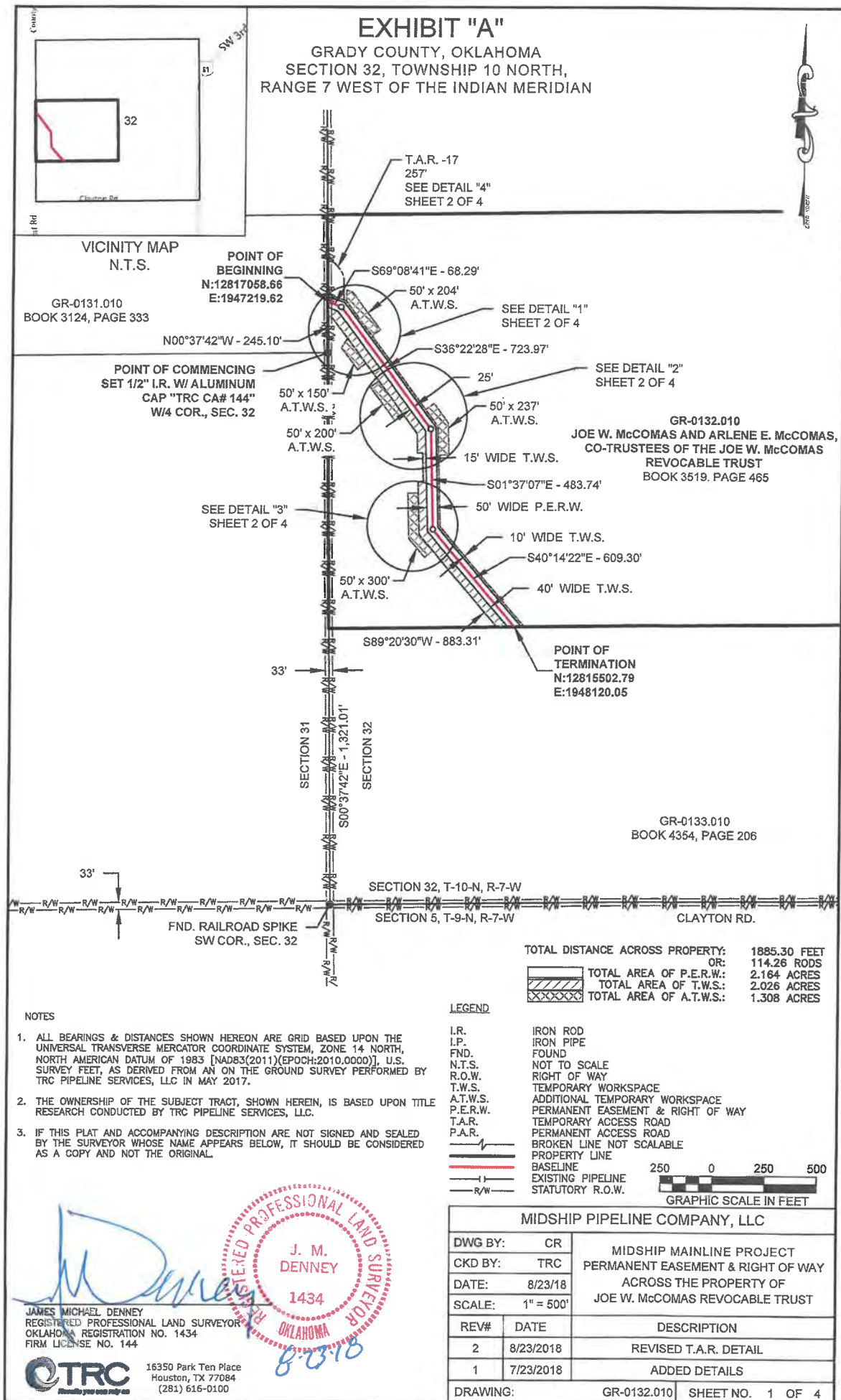
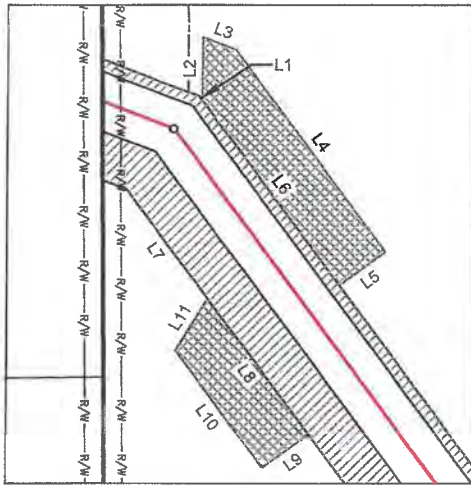
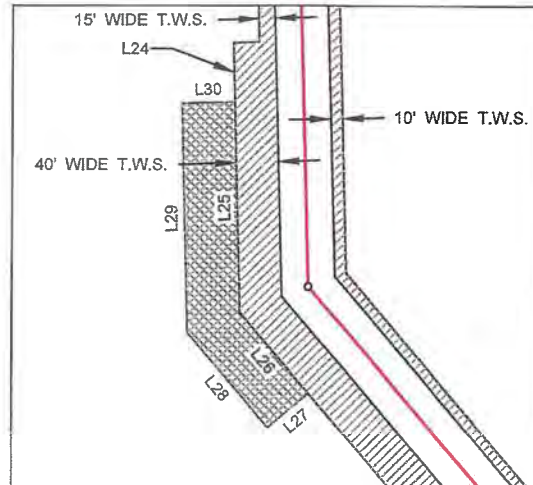


EXHIBIT "A"

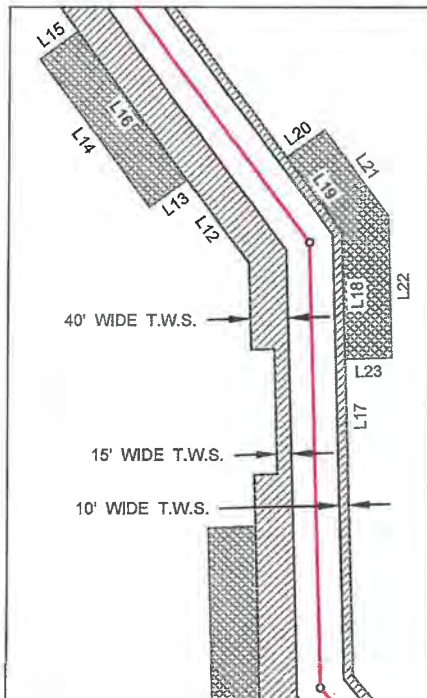
GRADY COUNTY, OKLAHOMA
SECTION 32, TOWNSHIP 10 NORTH,
RANGE 7 WEST OF THE INDIAN MERIDIAN



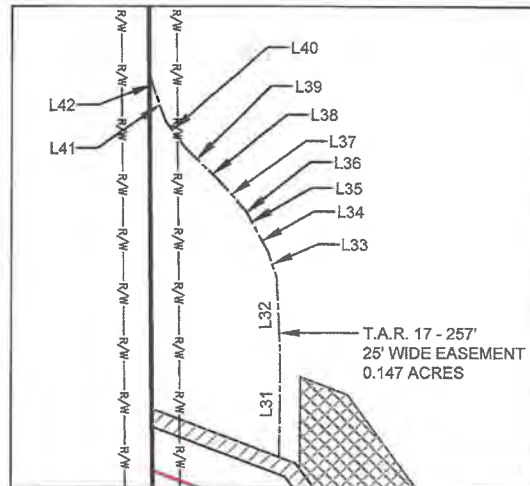
DETAIL "1"
N.T.S.



DETAIL "3"
N.T.S.



DETAIL "2"
N.T.S.



DETAIL "4"
N.T.S.

LEGEND

I.R.	IRON ROD
I.P.	IRON PIPE
FND.	FOUND
N.T.S.	NOT TO SCALE
R.O.W.	RIGHT OF WAY
T.W.S.	TEMPORARY WORKSPACE
A.T.W.S.	ADDITIONAL TEMPORARY WORKSPACE
P.E.R.W.	PERMANENT EASEMENT & RIGHT OF WAY
T.A.R.	TEMPORARY ACCESS ROAD
P.A.R.	PERMANENT ACCESS ROAD
	BROKEN LINE NOT SCALABLE
	PROPERTY LINE
	BASELINE
	EXISTING PIPELINE
	STATUTORY R.O.W.



16350 Park Ten Place
Houston, TX 77084
(281) 616-0100

NOTE:

- SEE SHEET 1 OF 3 FOR NOTES, SIGNATURE, AND SEAL.
- SEE SHEET 3 OF 4 FOR LINE TABLES.

MIDSHIP PIPELINE COMPANY, LLC			
DWG BY:	CR	MIDSHIP MAINLINE PROJECT PERMANENT EASEMENT & RIGHT OF WAY ACROSS THE PROPERTY OF JOE W. McCOMAS REVOCABLE TRUST	
CKD BY:	TRC		
DATE:	8/23/18		
SCALE:	N.T.S.		
REV#	DATE	DESCRIPTION	
2	8/23/2018	REVISED T.A.R. DETAIL	
1	7/23/2018	ADDED DETAILS	
DRAWING:		GR-0132.010	SHEET NO. 2 OF 4

EXHIBIT "A"

GRADY COUNTY, OKLAHOMA
SECTION 32, TOWNSHIP 10 NORTH,
RANGE 7 WEST OF THE INDIAN MERIDIAN

A.T.W.S. LINE TABLE		
LINE	BEARING	DISTANCE
L1	S36°22'25"E	4.50'
L2	N00°10'28"E	56.05'
L3	S69°08'42"E	30.71'
L4	S36°22'28"E	223.49'
L5	S53°37'32"W	50.00'
L6	N36°22'28"W	204.29'
L7	S36°22'28"E	120.01'
L8	S36°22'28"E	150.00'
L9	S53°37'33"W	50.00'
L10	N36°22'28"W	128.69'
L11	N30°32'45"E	54.35'
L12	N36°22'28"W	111.46'
L13	S53°37'32"W	50.00'
L14	N36°22'28"W	200.00'
L15	N53°37'33"E	50.00'

A.T.W.S. LINE TABLE		
LINE	BEARING	DISTANCE
L16	S36°22'28"E	200.00'
L17	N01°37'07"W	345.12'
L18	N01°37'08"W	137.31'
L19	N36°22'27"W	100.00'
L20	N53°37'31"E	50.00'
L21	S36°22'28"E	115.65'
L22	S01°37'07"E	152.96'
L23	S88°22'53"W	50.00'
L24	S01°37'07"E	56.05'
L25	S01°37'07"E	200.00'
L26	S40°14'22"E	100.00'
L27	S49°45'38"W	50.00'
L28	N40°14'22"W	117.52'
L29	N01°37'07"W	217.52'
L30	N88°22'53"E	50.00'

T.A.R. LINE TABLE		
LINE	BEARING	DISTANCE
L31	N00°10'27"E	64.07'
L32	N02°44'35"W	45.05'
L33	N18°26'06"W	17.15'
L34	N28°31'22"W	13.75'
L35	N28°31'24"W	11.62'
L36	N37°46'57"W	1.78'
L37	N40°48'54"W	27.32'
L38	N46°22'47"W	5.29'
L39	N46°22'49"W	21.11'
L40	N35°55'57"W	19.52'
L41	N19°44'53"W	20.43'
L42	N16°11'19"W	10.08'

LEGEND

I.R. IRON ROD
 I.P. IRON PIPE
 FND. FOUND
 N.T.S. NOT TO SCALE
 R.O.W. RIGHT OF WAY
 T.W.S. TEMPORARY WORKSPACE
 A.T.W.S. ADDITIONAL TEMPORARY WORKSPACE
 P.E.R.W. PERMANENT EASEMENT & RIGHT OF WAY
 T.A.R. TEMPORARY ACCESS ROAD
 P.A.R. PERMANENT ACCESS ROAD
 BROKEN LINE NOT SCALABLE
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16350 Park Ten Place
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NOTE:

1. SEE SHEET 1 OF 3 FOR NOTES, SIGNATURE, AND SEAL.
2. SEE SHEET 2 OF 4 FOR DETAILS.

MIDSHIP PIPELINE COMPANY, LLC			
DWG BY:	CR	MIDSHIP MAINLINE PROJECT PERMANENT EASEMENT & RIGHT OF WAY ACROSS THE PROPERTY OF JOE W. McCOMAS REVOCABLE TRUST	
CKD BY:	TRC		
DATE:	8/23/18		
SCALE:	N.T.S.		
REV#	DATE	DESCRIPTION	
2	8/23/2018	REVISED T.A.R. DETAIL	
1	7/23/2018	ADDED DETAILS	
DRAWING:		GR-0132.010	SHEET NO. 3 OF 4

Cheniere Midstream**EXHIBIT "A"****MIDSHIP Mainline**

Owner: The Joe W. McComas Revocable Trust

TRACT NO. GR-0132.010

PERMANENT EASEMENT & RIGHT OF WAY

Description of a fifty-foot wide Permanent Easement & Right of Way situated in the west half of the west half of Section 32, Township 10 North, Range 7 West of the Indian Meridian, Grady County, Oklahoma and being over, through and across a tract of land conveyed to Joe W. McComas and Arlene E. McComas, Co-Trustee of the Joe W. McComas Revocable Trust, recorded in Book 3519, Page 465, of the Office of the Clerk and Recorder of Grady County, Oklahoma (O.C.R.G.C.OK.), said fifty-foot wide Permanent Easement & Right of Way being situated twenty-five-feet on each side of the herein described baseline, the sidelines of said Permanent Easement & Right of Way being lengthened or shortened to meet the boundary lines of said tract of land, said baseline being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with aluminum cap stamped "TRC CA #144" set marking the west quarter corner of said Section 32; **THENCE** North 00°37'42" West, with the west line of said Section 32, a distance of 245.10 feet to the **POINT OF BEGINNING**;

THENCE South 69°08'41" East, a distance of 68.29 feet, to a point;

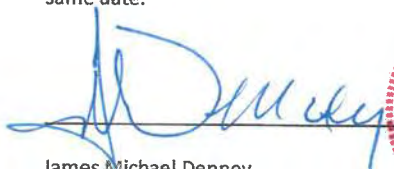
THENCE South 36°22'28" East, a distance of 723.97 feet, to a point;

THENCE South 01°37'07" East, a distance of 483.74 feet, to a point;

THENCE South 40°14'22" East, a distance of 609.30 feet, to the **POINT OF TERMINATION** on the south line of the north half of the southwest quarter of said Section 32, from which a railroad spike found marking the southwest corner of said Section 32 bears South 89°20'30" West, with the south line of the north half of the southwest quarter of said Section 32, a distance of 883.31 feet; **THENCE** South 00°37'42" East, with the west line of said Section 32, a distance of 1321.01 feet, said baseline having a total distance of 1885.30 feet (114.26 rods), said Permanent Easement & Right of Way containing 2.164 acres of land.

All bearings, distances, and coordinates shown herein are grid, based upon the Universal Transverse Mercator Coordinate System, Zone 14 North, North American Datum of 1983, U.S. Survey Feet, as derived from an on the ground survey performed by TRC Pipeline Services LLC, conducted in May of 2017.

For reference and further information see Exhibit "A", Sheet No(s). 1 of 4, drawing number GR-0132.010, Rev. 2, same date.


James Michael Denney
Registered Professional Land Surveyor
Oklahoma Registration No. 1434
Firm License No. 144



Date: